

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 12-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

112701-442

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/518,774

INTERNATIONAL APPLICATION NO.

PCT/EP03/06022

INTERNATIONAL FILING DATE

10 June 2003

PRIORITY DATE CLAIMED

21 June 2002

TITLE OF INVENTION

**METHOD AND DEVICE FOR LIQUEFYING OF A POWDERY FAT BASED PRODUCT PARTICULARLY IN THE
PRODUCTION OF CHOCOLATE AND THE LIKE**

APPLICANT(S) FOR DO/EO/US

Parsons et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

RECEIVED

18 JAN 2006

Legal Staff
International Division

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 351 266 972 US
23. ☒ Other items or information:

**Copy of Notification Regarding Response to Notification of Missing Requirements (2 pages)
Return Receipt Postcard**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/518,774		PCT/EP03/06022		112701-442	
24. The following fees are submitted:				Applicant use	Office use
<input type="checkbox"/> a) Basic national fee \$300.00				\$	\$0.00
<input type="checkbox"/> b) Examination fee \$200.00				\$	\$0.00
<input type="checkbox"/> c) Search fee \$500.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS = \$1000.00				\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	/50 =		x \$250.00	\$	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	\$0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$	\$0.00
Independent claims	- 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$0.00
Amount to be refunded:					\$
Amount to be charged:					\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-1818</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>					
SEND ALL CORRESPONDENCE TO:					
Robert M. Barrett (30,142)					
Customer No.: 29157					
				SIGNATURE	
				Robert M. Barrett	
				NAME	
				30,142	
				REGISTRATION NUMBER	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Parsons et al.
Appl. No.: 10/518,774
Filed: December 17, 2004
Title: METHOD AND DEVICE FOR LIQUEFYING OF A POWDERY FAT BASED PRODUCT
PARTICULARLY IN THE PRODUCTION OF CHOCOLATE AND THE LIKE
Art Unit: Unknown
Examiner: Unknown
Docket No.: 112701-442

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18 JAN 2006

Legal Staff
International Division

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (2 pages) (duplicate);
2. Copy of Notification Regarding Response to Notification of Missing Requirements (2 pages);
3. Executed Declaration and Power of Attorney (20 pages); and
4. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on August 29, 2005

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Heather Foster

Name of Person Mailing Correspondence



Signature

EV 351 266 972 US

Express Mail Mailing Label Number



05 AUG 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Robert M. Barrett
BELL, BOYD & LLOYD
P.O. Box 1135
Chicago, IL 60690-1135

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BELL, BOYD & LLOYD
INTELLECTUAL PROPERTY DOCKET

AUG 11 2005

ATTY

DOCKET #

NOTIFICATION REGARDING
RESPONSE TO NOTIFICATION
OF MISSING REQUIREMENTS

In re Application of: PARSONS, et al.
U.S. Application No.: 10/518,774
PCT No.: PCT/EP03/06022
Int'l Filing Date: 10 June 2003
Priority Date: 21 June 2002
Attorney's Docket No.: 112701-442

For: METHOD AND DEVICE FOR
LIQUEFYING OF A POWDERY FAT
BASED PRODUCT PARTICULARLY
IN THE PRODUCTION OF
CHOCOLATE AND THE LIKE

Due: 9-5-05

On 21 April 2005, this Office issued a decision informing applicants that some of the declaration materials filed on 04 April 2005 were unacceptable. Specifically, the decision found that the four page declarations executed by inventors Nicholas Tyers PARSONS, Stephen Thomas BECKETT, Stuart BLACKBURN, and Stefan REUSS were defective in that they did not identify the seventh inventor, Fernando GOMES. It was noted that the five page declaration executed by Maxine JOLLY, Kate ARMSTRONG, and Fernando GOMES was acceptable with respect to these three inventors.

On 20 May 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an acceptable oath or declaration was required herein, citing the attached 21 April 2005 decision.

On 20 June 2005, applicants filed the response considered herein. This response included partial declarations executed by inventors PARSONS, BECKETT, BLACKBURN, and REUSS. Each of these partial declarations consisted of pages 1 and 2, with one additional signature page (either page 3 or page 4) executed by one of the inventors. As with the previously submitted declarations, these partial declarations are defective for failure to identify all of the other inventors herein (each contains only one signature page listing only three of the seven inventors).

Based on the above, the 20 June 2005 submission is a defective response to the Notification Of Missing Requirements mailed 20 May 2005.

A proper response must be filed within **ONE (1) MONTH** from the mail date of this decision and must include proper, complete declarations in compliance with 37 CFR 1.497(a)-(b) executed by inventors PARSONS, BECKETT, BLACKBURN, and REUSS.

No extensions of this time limit may be obtained under 37 CFR 1.136(a), but the period for response set forth in the Notification of Missing Requirements mailed 20 May 2005 may be extended up to a maximum of five months.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450



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